FEDERAL REGISTER

VOLUME 2 NUMBER 174

Washington, Thursday, September 9, 1937

PRESIDENT OF THE UNITED STATES.

ENLARGING THE STATUE OF LIBERTY NATIONAL MONUMENT NEW YORK

By the President of the United States of America

A PROCLAMATION

WHEREAS certain government-owned lands known as Fort Wood and situated on Bedloe's Island in the harbor of New York, New York, are contiguous to the Statue of Liberty National Monument, established by Proclamation of October 15, 1924 (43 Stat. 1968), and are necessary for the proper care, management, and protection of the colossal statue of "Liberty Enlightening the World"; and

WHEREAS it appears that it would be in the public interest to add such lands to the Statue of Liberty National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the following-described lands in New York are hereby added to and made a part of the Statue of Liberty National Monument:

All lands on Bedloe's Island, New York, not now a part of the Statue of Liberty National Monument, including all uplands and marginal submerged lands and such wharves, warehouses, and other lands as comprised Fort Wood prior to evacuation thereof as a military reservation.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as enlarged hereby as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 7th day of September in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United [SEAL] States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
The Secretary of State

[No. 2250]

[F. R. Doc. 37-2703; Filed, September 8, 1937; 10:15 a. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49144]

AIRPORT OF ENTRY

WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

To collectors of customs and others concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Warroad Seaplane Base, Warroad, Minnesota, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from the date of approval of this order.

[SEAL] FRANK DOW
Acting Commissioner of Customs.

Approved: September 2, 1937.

STEPHEN B. GIBBONS
Acting Secretary of the Treasury.

[F. R. Doc. 37-2700; Filed, September 7, 1937; 1:55 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 17]

RIVERTON IRRIGATION PROJECT

NOTICE OF ANNUAL WATER CHARGES [1]

AUGUST 21, 1937.

1. *Water rental.*—Irrigation water will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1938 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926, Nov. 9, 1926, March 23, 1931, May 2, 1932 and January 31, 1933, *against which assessments for water rental were not levied by the Midvale Irrigation District in 1937.*

2. *Charges and terms of payment.*—The minimum water-rental charge for the irrigation season of 1938 and thereafter until further notice will be One Dollar ($1.00) per acre for each irrigable acre of land in each 40-acre subdivision for which application has been or is hereafter made, which will entitle the applicant to two (2) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926, Nov. 9, 1926, March 23, 1931, May 2,

[1] Act of June 17, 1902, 32 Stat., 388, as amended and supplemented.

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1932 and January 31, 1933 and for the entire irrigable area in each 40-acre subdivision of private land for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1938 and no part of said charge will be refunded. Additional water will be furnished during said irrigation season at the rate of fifty cents ($0.50) per acre-foot, payable on December 1, 1938. When water-rental application is submitted and approved after June 15, for public land entered under the reclamation law and after Aug. 1 for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season.

3. *Penalty for non-payment.*—If payment of the minimum charge be not made on or before May 1 and payment for additional water furnished be not made on or before Dec. 1, as herein provided, there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 37-2702; Filed, September 8, 1937; 9:58 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NCR—B-101, as Amended,
Supplement No. 3.

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED, SUPPLEMENT NO. 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as amended,[1] is further amended as follows:

1. Part I, the definition of a *Combination farm* is amended to read as follows:

Combination farm means any farm, other than a cotton farm or a sharecropper farm, rented partly on shares and on which farm all or any part of the following acreage is rented at a rate per acre in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of Part IV:
(1) acreage classified as new conserving;
(2) acreage classified as neutral under item (1) of Section 3 (a) of Part III;
(3) acreage classified as neutral under item (3) of Section 3 (a) of Part III.

2. Part I, the definition of *Cropland* is amended to read as follows:

Cropland means (1) all tillable farm land from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farm land in a dryland farm with a productivity less than 50 percent of the productivity for the community; and (2) any other acreage devoted on January 1, 1937, to orchards.

3. Part I, the definition of *1937 General acreage* is amended to read as follows:

1937 general acreage means the total acreage classified as soil-depleting on a farm in 1937, less any acreage classified as cotton or tobacco acreage on such farm in 1937.

4. Part I, the last sentence of the definition of *Old conserving acreage* is amended to read as follows:

No acreage can be classified as old conserving if on such acreage any crop listed in item 1 of Section 1 (b) of Part III: (1) is seeded in 1937 at a rate not in excess of one-half the normal rate of seeding alone for grain and is cut for grain or hay; (2) is a volunteer stand which volunteer stand it would be practical to cut for grain or hay if such crop were growing alone; (3) is seeded in 1936 at a rate not in excess of one-half the normal rate of seeding alone for grain if it would be practical to cut such crop for grain or hay if such crop were growing alone.

5. Part I, the definition of *Maximum conserving payment* is amended to read as follows:

Maximum conserving payment for a farm means the largest amount that may be earned for an increase in the acreage of soil-conserving crops on such farm. Such amount shall be computed by multiplying the rate per acre for conserving payments for such farm by the acreage obtained by: (1) Determining the acreage diverted from each soil-depleting base, other than the total soil-depleting base, not in excess of the acreage for which maximum diversion payment could be made with respect to such base, and (2) subtracting from the sum of the acreages determined under item (1) of this definition the sum of the acreages by which the 1937 general acreage exceeds the general soil-depleting base, the 1937 acreage of a specified type of tobacco exceeds the soil-depleting

[1] 2 F. R. 541, 557, 1295 (DI).

base for such type of tobacco, and the 1937 cotton acreage exceeds the cotton soil-depleting base.

6. Part I, is amended by the addition of the following new definitions:

Go-back land means tillable farm land on a dryland farm from which at least one crop other than wild hay has been harvested or planted for harvest between January 1, 1930, and December 31, 1936, which farm land has a productivity less than 50 percent of the productivity for the community.

Eligible go-back land means go-back land which meets the requirements specified in item (7) of Section 12 (b) of Part IV and the requirements specified in Section 13 (s) of Part IV.

7. Part III, the first paragraph is amended by adding at the end thereof the following:

If any acreage is first planted in 1937 to a crop specified in Section 1 (a) of this Part III and is subsequently planted to another crop or crops in 1937, such subsequently planted crop or crops shall not be considered in classifying such acreage.

8. Part III, Section 1 (c), item (1) c is amended to read as follows:

(c) Any acreage of such of these crops as are included in and used as specified in items (5) and (6) of Section 3 (a) of this Part III.

9. Part III, Section 1 (c), item (2), the last sentence thereof is amended to read as follows:

This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to area "B" if the acreage on which the soybeans or cowpeas are planted meets the requirements set forth in item (2) of Section 2 (c) of this Part III.

10. Part III, Section 2, first paragraph, the parenthetical expression appearing therein is amended to read as follows:

(This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri such seeding may be made after June 30, 1937, if any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

11. Part III, Section 2 (a), item (4) is amended to read as follows:

(4) Annual sweet clover and crotalaria.

12. Part III, Section 2 (b) is amended by the addition of the following new item (2):

(2) Planted to lespedeza in the spring of 1937, provided: that on the date as of which final inspection of the farm is made for the purpose of determining performance there is evidence that there was a good stand of lespedeza on such acreage in 1937 which had been permitted to mature sufficiently to reseed itself; that such acreage is not plowed in 1937 after the seeding in the spring of 1937 of such lespedeza; and that if such acreage is seeded in the fall of 1937 to any of the crops listed in item (1) of Section 1 (b) of this Part III such seeding operation is commenced after such lespedeza has been permitted to mature sufficiently to reseed itself.

13. Part III, Section 3 (a), item (3) is amended to read as follows:

(3) a. Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which, with the exception of the crops listed in item (4) of Section 2 (a) of this Part III, would survive the winter of 1937-38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

b. Seeded in the spring of 1937 to lespedeza in accordance with good farming practices and upon which, due to uncontrollable natural causes, there was not a good stand of lespedeza on such acreage in 1937 which had matured sufficiently to reseed itself, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

(This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in Section 2 (a) of this Part III or the crop listed in item (2) of Section 2 (b) of this Part III or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri such seeding may be made after June 30, 1937, if any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

14. Part III, Section 3 (a) is amended by the addition of the following item (8):

(8) Cropland on which there is incorporated into the soil by plowing of a good vegetative growth of trailing wild bean.

15. Part III, Section 3 (b), item (1) c is amended to read as follows:

c. Any acreage of such of these crops as are included in and used as specified in items (5) and (6) of Section 3 (a) of this Part III.

16. Part III, Section 3 (b), item (2), the last sentence thereof is amended to read as follows:

This item 2, insofar as it relates to soybeans and cowpeas, is not applicable to area "B" if the acreage on which the soybeans are planted meets the requirements set forth in item (2) of Section 2 (c) of this Part III.

17. Part IV, Section 1 (b) is amended by adding at the end thereof the following:

If there is excess tobacco acreage on any farm and no normal yield per acre for such type of tobacco has been established for such farm, the rate to be applied in such cases will be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the average county yield per acre of such kind of tobacco by the farm's productivity index of crops in the general soil-depleting base and multiplying this result in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

18. Part IV, Section 1 (c) is amended by adding at the end thereof the following:

If there is excess cotton acreage on any farm and no normal yield of cotton per acre has been established for such farm, the rate to be applied in such cases will be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the average county yield of cotton per acre by the farm's productivity index of crops in the general soil-depleting base and multiplying this result by 5 cents.

19. Part IV, Section 2, first paragraph is amended by adding at the end thereof the following new sentence:

Any acreage classified as soil-depleting under Section 1 (c) of Part III and any acreage classified as neutral under Section 3 (b) of Part III shall be disregarded in the determination of the percentage of any payments, allowances, or deductions to which any person is entitled with respect to any farm.

20. Part IV, Section 2, subsection (c) is amended to read as follows:

(c) The percentage for the operator of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be determined as follows:

(1) Determine the sum of the following acreage which is rented at a rate per acre in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of this Part IV:

a. acreage classified as new conserving;
b. acreage classified as neutral under item (1) of Section 3 (a) of Part III;
c. acreage classified as neutral under item (3) of Section 3 (a) of Part III;

(2) Determine the sum of the following acreage which is rented on shares or at a rate not in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of this Part IV:

a. acreage classified as new conserving;
b. acreage classified as neutral under item (1) of Section 3 (a) of Part III;
c. acreage classified as neutral under item (3) of Section 3 (a) of Part III.

(3) Determine the acreage that the operator's percentage of the principal soil-depleting crop on such farm is of the sum of the acreage obtained under item (2) of this subsection (c);

(4) Add the acreages obtained under items (1) and (3) of this subsection (c);

(5) Divide the result obtained under item (4) of this subsection (c) by the sum of the acreages obtained under items

(1) and (2) of this subsection (c) and multiply this result by 100 percent.

The percentage for the owner of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be computed by substracting from 100 percent the percentage obtained for the operator of such farm under item (5) of this subsection (c).

21. Part IV, Section 2 (e), first paragraph, is amended to read as follows:

(e) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which was planted on such farm for harvest in 1937 shall, except as otherwise provided in subsection (f) of this Section 2, be the sum of the percentages determined for such person under items (1), (2), and (3) of this subsection (e):

22. Part IV, Section 2 (f), first paragraph, is amended to read as follows:

(f) If a person is an owner, operator or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which is normally planted on such farm, but which was not planted on such farm in 1937, and such person's percentage of any cotton diversion payment computed with respect to such farm if on such farm any idle cropland is classified as cotton acreage under item (3) of Section 1 (a) of Part III, shall be the sum of the percentages determined for such person under items (1) and (2) of this subsection (f):

23. Part IV, Section 7 (e) is amended to read as follows:

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum diversion payment for such farm for such type of tobacco by such person's percentage.

24. Part IV, Section 8 (e) is amended to read as follows:

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum cotton diversion payment for such farm by such person's percentage.

25. Part IV, Section 9 is amended to read as follows:

SECTION 9. *Total Amount of Conserving Payment if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of conserving payment to such person in such county shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, obtain the sum of: (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm; and (2) the new conserving acreage on such farm.

(b) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm exceeds the total acreage on such farm classified as soil-depleting in 1937, determine the amount of such excess.

(c) Determine which of the acreages obtained for each farm under subsections (a) and (b) of this Section 9 is the smaller and multiply such smaller acreage by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 9.

(e) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 9.

(g) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(h) Add the amounts obtained under subsection (g) of this Section 9.

(i) Subtract the amount obtained under subsection (h) of this Section 9 from the amount obtained under subsection (f) of this Section 9. (If the amount obtained under subsection (h) of this Section 9 is equal to or greater than the amount obtained under subsection (f) of this Section 9, the amount obtained under this subsection (i) shall be zero.)

(j) Subtract the amount obtained under subsection (f) of this Section 9 from the amount obtained under subsection (h) of this Section 9. (If the amount obtained under subsection (f) of this Section 9 is equal to or greater than the amount obtained under subsection (h) of this Section 9, the amount obtained under this subsection (j) shall be zero.)

(k) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(l) Add the amounts obtained under subsection (k) of this Section 9.

(m) Determine which of the amounts obtained under subsections (i) and (l) of this Section 9 is the smaller.

(n) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have cotton soil-depleting bases or upon which cotton was planted in 1937, perform the operations specified in subsections (e) to (m), inclusive, of this Section 9, substituting for the word "general" the word "cotton".

(o) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have soil-depleting bases for any specified type of tobacco or upon which any specified type of tobacco was planted in 1937, perform the operations specified in subsections (e) to (m), inclusive, of this Section 9, substituting for the word "general" the word "tobacco" preceded by the name of the specified type of tobacco.

(p) Obtain the sum of: (1) the amount obtained under subsection (m) of this Section 9 for general soil-depleting bases; (2) the amount obtained under subsection (m) of this Section 9 for cotton soil-depleting bases; and (3) the amount obtained under subsection (m) of this Section 9 for the soil-depleting bases for any specified type of tobacco.

(q) Obtain the sum of: (1) the amount obtained under subsection (j) of this Section 9 for general soil-depleting bases; (2) the amount obtained under subsection (j) of this Section 9 for cotton soil-depleting bases; and (3) the amount obtained under subsection (j) of this Section 9 for the soil-depleting bases for any specified type of tobacco.

(r) Subtract the amount obtained under subsection (q) of this Section 9 from the amount obtained under subsection (p) of this Section 9. (If the amount obtained under subsection (q) of this Section 9 is equal to or greater than the amount obtained under subsection (p) of this Section 9, the amount obtained under this subsection (r) shall be zero.)

(s) The smaller of the amounts obtained under subsection (d) and (r) of this Section 9 shall be the total conserving payment which shall be made to such person with respect to such farms.

26. Part IV, Section 12 (a), item (2) is amended to read as follows:

(a) $1.00 for each acre obtained by: (1) determining the acreage diverted from each soil-depleting base, other than the total soil-depleting base, not in excess of the acreage for which maximum diversion payment could be made with respect to such base, and (2) subtracting from the sum of the acreages determined under item (1) of this subsection (a) the sum of the acreages by which the 1937 general acreage exceeds the general soil-depleting base, the 1937 acreage of a specified type of tobacco exceeds the soil-depleting base for such type of tobacco, and the 1937 cotton acreage exceeds the cotton soil-depleting base.

27. Part IV, Section 12 (b), item (2) is amended to read as follows:

(2) Two-thirds of the rate per acre for general diversion payments for such farm for each acre diverted from the general soil-depleting base not in excess of the acreage for which maximum diversion payment could be made with respect to such base.

28. Part IV, Section 12 (d) is amended to read as follows:

(d) If such person is an owner, operator, or sharecropper with respect to more than one farm in a county, the soil-building allowance for such person in such county shall be the sum of the amounts obtained for such farms under items (17), (28), and (32) of this Section 12 (d), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be $10.00.

(1) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the sum of items (1), (3), (4), (5), and (6) of subsection (a) of this Section 12 by such person's percentage.

(2) Add the amounts obtained under item (1) of this subsection (d).

(3) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by such person's percentage.

(4) Add the acreages obtained under item (3) of this subsection (d).

(5) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by such person's percentage.

(6) Add the acreages obtained under item (5) of this subsection (d).

(7) Subtract the acreage obtained under item (6) of this subsection (d) from the acreage obtained under item (4) of this subsection (d). (If the acreage obtained under item (6) of this subsection (d) is equal to or greater than the acreage obtained under item (4) of this subsection (d), the acreage obtained under this item (7) shall be zero.)

(8) Subtract the acreage obtained under item (4) of this subsection (d) from the acreage obtained under item (6) of this subsection (d). (If the acreage obtained under item (4) of this subsection (d) is equal to or greater than the acreage obtained under item (6) of this subsection (d), the acreage obtained under this item (8) shall be zero.)

(9) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by such person's percentage.

(10) Add the acreages obtained under item (9) of this subsection (d).

(11) Determine which of the acreages obtained under items (7) and (10) of this subsection (d) is the smaller.

(12) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have cotton soil-depleting bases or upon which cotton was planted in 1937, perform the operations set forth in items (3) to (11), inclusive, of this subsection (d), substituting for the word "general" the word "cotton".

(13) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have soil-depleting bases for any specified type of tobacco, or upon which any specified type of tobacco was planted in 1937, perform the operations set forth in items (3) to (11), inclusive, of this subsection (d), substituting for the word "general" the word "tobacco" preceded by the name of the specified type of tobacco.

(14) Obtain the sum of: (1) the acreage obtained under item (11) of this subsection (d) for general soil-depleting bases; (2) the acreage obtained under item (11) of this subsection (d) for cotton soil-depleting bases; and (3) the acreage obtained under item (11) of this subsection (d) for the soil-depleting bases for any specified type of tobacco.

(15) Obtain the sum of: (1) the acreage obtained under item (8) of this subsection (d) for general soil-depleting bases; (2) the acreage obtained under item (8) of this subsection (d) for cotton soil-depleting bases; and (3) the acreage obtained under item (8) of this subsection (d) for the soil-depleting bases for any specified type of tobacco.

(16) Subtract the acreage obtained under item (15) of this subsection (d) from the acreage obtained under item (14) of this subsection (d) and multiply such result by $1.00.

(17) Add the amounts obtained under items (2) and (16) of this subsection (d).

(18) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the sum of items (1), (3), (4), (5), (6), and (7) of subsection (b) of this Section 12 by such person's percentage.

(19) Add the amounts obtained under item (18) of this subsection (d).

(20) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(21) Add the amounts obtained under item (20) of this subsection (d).

(22) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(23) Add the amounts obtained under item (22) of this subsection (d).

(24) Subtract the amount obtained under item (23) of this subsection (d) from the amount obtained under item (21) of this subsection (d). (If the amount obtained under item (23) of this subsection (d) is equal to or greater than the amount obtained under item (21) of this subsection (d), the amount obtained under this item (24) shall be zero.)

(25) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(26) Add the amounts obtained under item (25) of this subsection (d).

(27) Determine which of the amounts obtained under items (24) and (26) of this subsection (d) is the smaller.

(28) Add the amounts obtained under items (19) and (27) of this subsection (d).

(29) For all nondiversion farms in such county with respect to which such person is an owner, operator, or sharecropper, multiply the sum of items (1) to (5), inclusive, of subsection (c) of this Section 12, by such person's percentage.

(30) Add the amounts obtained under item (29) of this subsection (d).

29. Part IV, Section 13, the fourth paragraph thereof is amended to read as follows:

Where several soil-building practices are adopted on the same acreage on a farm which is not a dryland farm, payment will not be made for: (1) more than one of the practices listed in the same subsection in the case of subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), (v), and (w) of this Section 13; and (2) more than one practice twice, or any two practices of the 17 soil-building practices listed in subsections (a), (b), (t), (u), (x), (y), and (z) of this Section 13. Where several soil-building practices are adopted on the same acreage on a dryland farm, payment will not be made for: (1) more than one of the practices listed in the same subsection in the case of subsections (c), (d), (e), (h), (i), (p), (q), (r) of this Section 13; (2) more than one of the practices listed in subsections (j) and (s) of this Section 13; (3) more than one of the practices listed in subsections (k) and (o) of this Section 13; (4) more than one of the practices listed in subsections (l), (m), and (n) of this Section 13; (5) more than two of the following: a practice listed in either subsections (l), (m), or (n) of this Section 13, a practice listed in either subsection (a) or (b) of this Section 13, and the increased rate of payment for dryland farms specified in the sixth paragraph of this Section 13.

30. Part V, Section 5, fifth paragraph, last sentence is amended to read as follows:

In determining the ownership of a farm where an offer to purchase, option, or similar instrument has been executed with respect to such farm, the person executing the offer to purchase or holding the option shall not be deemed to be the owner of such farm unless on or before June 30, 1937, the sale is completed by payment of the stipulated down payment by the vendee and delivery of the deed or land contract by the vendor.

31. Part VI, Section 7 is amended to read as follows:

SECTION 7. *Ranching Unit Located in More Than One County.*—If a ranching unit is located in two or more adjacent counties, such ranching unit shall be regarded as located in the county in which the base of operations of such ranching unit is located.

32. Part VI, Section 8 is amended to read as follows:

SECTION 8. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any ranching unit in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to each ranching unit in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to ranches in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his ranching unit is located shall become a member thereof by his signing an application for payment with respect to such ranching unit.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of Sept. 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-2706; Filed, September 8, 1937; 12:44 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-94]

IN THE MATTER OF TRADE PRACTICE CONFERENCE RULES FOR THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

STATEMENT AND ORDER OF THE FEDERAL TRADE COMMISSION

The Commission, on August 10, 1931, promulgated trade practice conference rules for the Petroleum and Petroleum Products Industry, signifying its approval of Group I rules and its acceptance, as expressions of the Industry, of Group II rules.

The said rules were superseded on August 19, 1933, by the approval of the Code of Fair Competition for the said industry under the National Industrial Recovery Act, in connection with which a Petroleum Administrator was appointed by executive order; under such Code and Petroleum Administrator the said industry operated until the invalidation of the N. I. R. A. Code in May, 1935.

Subsequently, groups of the Petroleum Industry east of the Rocky Mountains formulated and laid before the Commission, with application for approval, proposed new trade practice conference rules.

The Commission, on January 16, 1937, by public announcement,[1] invited all persons having an interest in the said trade practice conference rules of August 10, 1931, to present to the Commission in writing on or before February 1, 1937, such views and information as they might desire to submit as to why the Commission's approval and acceptance of said rules should not be formally rescinded.

Upon application of interested members of the industry, a public hearing[2] was announced for and held on February 24 and 25, 1937, at which time all persons who wished to present their views were heard by the Commission.

The Commission, after fully considering all views presented in writing, all matters presented at the said hearing, and other evidence in its possession, finds that the said trade practice conference rules of 1931 have been treated by the industry generally as of no further force and effect from and after the approval of the N. I. R. A. Code, except that certain members of the industry in the Pacific Coast area, and particularly in the State of California, have purported, subsequent to the invalidation of the said N. I. R. A. Code, to resume operation under said rules of 1931 as interpreted by them; but that they did not act in accordance with either the letter or the spirit of the said rules, and that their interpretations and activities were without the approval or sanction of the Commission.

The Commission concludes that the said trade practice conference rules of August 10, 1931, cannot, in the public interest, be accorded the sanction of the Commission; and further concludes that the approval or acceptance of the proposed new rules in the form presented to the Commission would be contrary to law and the public interest.

ORDER

It is therefore ordered that the Commission's approval and acceptance of the trade practice conference rules published on August 10, 1931, for the Petroleum and Petroleum Products Industry be, and are, hereby declared to have heretofore become inoperative and to be of no force and effect, and are formally rescinded;

And it is further ordered, with respect to the new rules proposed by members of the said industry, that the rules be not approved but that the industry be accorded full opportunity to present to the Commission for its consideration, through the Trade Practice Board, such amendments of or substitutions for the said proposed new rules as will be in harmony with law.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2701; Filed, September 7, 1937; 3:56 p. m.]

[1] 2 F. R. 103 (DI).
[2] 2 F. R. 318 (DI).

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3094]

IN THE MATTER OF C. J. O'CROWLEY AN INDIVIDUAL TRADING AS EXCEL PRODUCTS, AND AS C. J. O'CROWLEY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, September 11, 1937, at nine o'clock in the forenoon of that day (central standard time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2704; Filed, September 8, 1937; 10:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1937.

[File No. 43-74]

IN THE MATTER OF GARDNER ELECTRIC LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Gardner Electric Light Company, a subsidiary company of the New England Power Association, a registered holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale to one or more banks or trust companies of $300,000 aggregate principal amount of its promissory notes for a term not exceeding one year and any renewals or extensions thereof; it being stated in such declaration that the proceeds of the aforesaid notes will be applied to the payment of the demand notes of the declarant in the amount of $155,000, now held by New England Power Association, parent of the declarant, to pay open account indebtedness in the amount of $115,000 to New England Power Association, and to reimburse the treasury for

amounts expended for certain extensions, additions and improvements to the property of the declarant.

It is ordered that a hearing on such matter be held on September 24, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other poltical subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 20, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2705; Filed, September 8, 1937; 12:27 p. m.]